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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,890	07/09/2003	R. J. Harris	9131.0017	1683
22852	7590	05/18/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,890

Applicant(s)

HARRIS, R. J.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8-11, 18-21 and 28-35 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 12-14, 22-27, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 6,7,22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 6,7; "the tow line" lacks antecedent basis.

As to claim 22; "the seal" lacks antecedent basis.

As to claim 23, where is the subject matter of lines 3-4 ("passing the sonde...around the sonde cable") in the written specification/drawings?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jenkins et al '800.

Jenkins teaches (Figures 3,4A,4B) a tow line 51 attached to a sealing means 152/162 which centers. The assembly employs a central portion 58 that a plurality of joints 68, each joint providing elements 152/162. One element provides a centralizing portion, another providing a plug portion, and a third providing a gasket portion.

Claims 12,13,37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Biggerstaff.

Biggerstaff teaches (Figure 2) an apparatus, including: central portion including a centralizing portion 49,53a and plug 59, and extension 40,38,32; and gasket portion 33

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disposed around the central portion, the gasket capable of sealing as the apparatus is towed via line 35 that's connected to the central portion. Elements 49,51,53a appear to be fins.

Claim 37 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Donnelly '859.

Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Huber.

Huber teaches (Figures 4A to 4C) a device, including: means to attach a tow line 174, means for sealing 134 against the inside of the wall of a fluid line, and means for breaking the seal when pulling in a direction opposite the tow line 174.

As to claim 36, the seal 136 plugs the line, and does slide relative to the line when the circumference of the seal exits from seat 113.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ashworth refer (col. 2, lines 28-37) to sensing a change in pressure over time to indicate a leak, and towline 17.

Tomlinson and Trash breaks seals, but not with a towline.

Schuberth et al teach an electrical test for leakage of a pipe.

Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

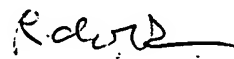
As to claim 1, note was made of the combination of the last 5 lines with remaining claim limitations. As to claims 18 and 22, note was made of the combination

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of the last two lines with remaining claim limitations. As to claim 28, note as made the combination of the last three lines with remaining claim limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RAEVIS